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SEND TO: United States Patent Office

Examiner: H. N. PatelGroup Art Unit: 2126Tel No: 512-272-3973Fax #: 512-273-8800

FROM:

Tel No: J.B.KRAFT512- 473-2203

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Docket No: AUS200601672-US1 Serial No: 09/557,743 Atty: J.B.KRAFTApplicant: B. S. BAUER et al

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09-0447

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of: : Group Art Unit: 2126  
 : Examiner: H. N. PATEL  
 Baljeet S. Baweja et al. : Intellectual Property  
 Serial No: 09/589,799 : Law Department - 4054  
 Filed: 06/08/2000 : International Business  
 Title: AN INTERACTIVE DATA : Machines Corporation  
 PROCESSOR CONTROLLED DISPLAY : 11400 Burnet Road  
 INTERFACE FOR TRACKING OF : Austin, Texas 78758  
 ALLOCATED MESSAGES IN A : Customer No. 32,329  
 DYNAMIC WORKLOAD BALANCING :  
 COMMUNICATION SYSTEM :  
 Date: 01/02/06 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2154 at telephone number 571-273-8300, and to the attention of Examiner H. N. Patel on 01/02/06.

*J. B. Kraft*  
*J. B. Kraft*

REPLY BRIEF ON APPEAL  
BEFORE THE BOARD OF APPEALS  
AND INTERFERENCES

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed November 3, 2005.

In the Answer, the Examiner makes some new arguments which Applicants need to briefly address. The Examiner notes that Applicants' Brief contains no statement as to

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whether the grouping of the claims stand or fall together. It is Applicants understanding that such a statement in the Brief is no longer required under the recently changed Appeal Rules.

At various points in the Answer, the Examiner contends that Applicants have described their invention in terms not included in claims. Applicants concede that they may have described the invention in terms not in the claims. However, such terminology is permissible if used to provide a background as to the problems involved which led to the invention. The Brief did clearly set forth the elements of the claimed invention which the combination of art applied by Examiner failed to suggest:

Claim 1 .... means for requesting the performance of a data processing transaction,

a server computer for said distributing said transaction into a plurality of messages and allocating said messages to different computer systems,

a server queue associated with said server computer for storing the plurality of messages from the distributed transaction, and

user interactive display means for displaying said queue of allocated messages and associated computer systems." (underlining provided)

The combination of the Tobe and Kitagawa patents failed to suggest the combination of the underlined elements. The Examiner took judicial notice that it was known to store messages to be displayed in a queue. Applicants submit that queues in general are known in the art. However, what is unknown in the art is the Applicants' recognized problem of the difficulty of tracking allocated messages in workload

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Accordingly, for the above reasons and for the reasons set forth in the Brief on Appeal, it is respectfully requested that the Final Rejection be reversed, and that claims 1, 3-7, 9-12, and 14-17 be found to be in condition for allowance.

Respectfully submitted,

*J.B. Kraft* 01/02/06  
J. B. Kraft  
Attorney for Applicants  
Registration No. 19,226  
(512) 473-2303

ALL CORRESPONDENCE SHOULD BE DIRECTED TO:

Jeffrey S. LaBaw  
IPLaw Dept. - IMAD 4054  
IBM Corporation  
11400 Burnet Road  
Austin, Texas 78758

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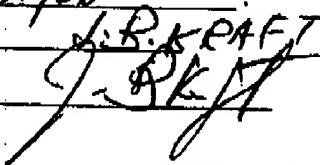
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